

REMARKS

The Office Action of February 13, 2006 has been carefully reviewed and considered by the Applicants.

Claims 1, 2, 6, 7, and 8 have been cancelled. Claims 3-5 and 9-20 have been amended. Claims 21-23 have been added.

Reconsideration of the Application is hereby respectfully requested.

The Office Action

The Examiner rejected claims 1, 2 and 8 under 35 U.S.C. §101 as being directed to non-statutory subject matter.

Claims 1-8, 18, 19 and 20 were rejected under 35 U.S.C. §102(e) as being anticipated by Nielson et al., Patent No. 6,810,143.

Claim 12 was rejected under 35 U.S.C. §103(a) as being unpatentable over Katariya et al., Patent No. 6,549,897 in view of Nielson.

Claims 9-11 and 13-17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Katariya in view of Sandford, Patent No. 6,021,196.

The Cited Art

Examiner's primary reference is Nielson. Nielson points to a method of assigning an image data color management action to a component of a computing system. The computing system includes control programs such as an application program and a peripheral driver program. The computing system further includes a peripheral device that may have both software color management capability and hardware color management capability. The method of the invention initially examines received image data to determine at least one characteristic thereof. The method then compares the characteristic with one or more decision parameters that enable an assessment of the complexity of the color management actions required for the image data. Thereafter, based upon the result of the comparing action, the image data is subjected to a color management action by a selected one of the control programs or by the peripheral device, dependent upon the determined complexity of the image data. Nielson primarily deals with color and does not involve the concepts of cost, font size, visual balance or processing time.

Examiner also cites Katariya. Katariya discloses a method and system for generating a weight for phrases within each document in a collection of documents. Each document has terms such as words and numbers. Each phrase comprises component terms. Each term frequency represents the number of occurrences of a term in a document, and the phrase frequency represents the number of occurrences of a phrase in a document. As Examiner has noted, Katariya does not disclose or suggest document intent.

Lastly Examiner cites Sandford. Sandford discloses a method of embedding auxiliary information into the digital representation of publication quality color-component digital data. The method applies to all digital data for which individual values are represented by discrete numerical values. Sandford references a corresponding approximation known as a digital reference palette image. Digital reference palette images can be made in terms of a lesser number of discrete digital data values in order to create an intermediate, digital, color-component difference image that allows steganographic methods to be embed in the auxiliary data. Sandford fails to reference quantitative intent values.

Response to 35 U.S.C. §101 rejection

The Examiner rejected claims 1, 2, and 8 under 35 U.S.C. §101 as being directed to non-statutory subject matter. For the purposes of expediting prosecution of the application and without any admission or concession to the correctness of the Examiner's position, Applicant has canceled claims 1, 2 and 8.

Response to 35 U.S.C. §102 rejection

The Examiner rejected claims 1-8, 18, 19 and 20 under 35 U.S.C. §102(e) as being anticipated by Nielson et al. The Examiner will appreciate that claims 1, 2, 6, 7 and 8 have been canceled and claims 3, 4, 5, 18, 19 and 20 have been amended.

Referring now to claim 3, claim 3 now includes the concept of a plurality of intents of a design including document cost. Because Nielson does not include the concept of document cost being one of the factors for document intent information, it cannot be stated that Nielson anticipates claim 3. It is hereby respectfully requested that the rejection be

withdrawn.

Now referring to claim 4, claim 4 now includes the concept of a plurality of intents of the design of the document including the ability to attract attention. Again, Nielson does not discuss the ability to attract attention as being included in document intent information. It is hereby requested that the rejection to claim 4 be withdrawn.

Now referring to claim 5, the Examiner will appreciate that claim has been amended to include document processing time as one of the plurality of intents representing document intent information. Because Nielson does not teach or suggest the concept of document processing time, it is hereby requested that the rejection to claim 5 be withdrawn.

Referring now to claims 18 and 19, the Examiner will appreciate that both claims 18 and 19 now include cost as one of the factors used to balance quantitative intent information. Nielson, which deals exclusively with color content, does not disclose or suggest the concept of cost being a quantitative intent property. Therefore, it is respectfully requested that the rejections to claims 18 and 19 be withdrawn. Furthermore, it is hereby submitted that because claim 20 is dependent upon claim 19, that claim 20 is also currently in condition for allowance and rejection to claim 20 be withdrawn.

Response to 35 U.S.C. §103 rejection

The Examiner rejected claims 9-17 under 35 U.S.C. §103(a). Claim 12 was rejected as being unpatentable over Katariya in view of Nielson. The Examiner rejected claims 9-11 and 13-17 as being unpatentable over Katariya in view of Sandford. The Examiner will appreciate that all of the above referenced claims have been amended.

Referring now to claim 12, claim 12 has been amended to include the concept of document cost being maintained to be used in decisions made to output the documents. As stated previously, Nielson does not discuss the concept of document cost as being a factor in document intent information. Furthermore, the addition of Katariya does not cure the above-stated deficiency. As such, the teachings of Nielson and Katariya, even if combinable, do not render claim 12 obvious.

Now referring to claims 9-11 and 13-17, which were rejected as being unpatentable over Katariya in view of Sandford. The Examiner will appreciate that claims 9-11 and 13-17 have been amended to include the concept of document cost being maintained to be

used in the decision made to display the document. As stated previously, the concept of document cost is not disclosed in Katariya. Furthermore, the addition of Sandford does not cure the above-stated deficiency. It is hereby respectfully requested that the rejections to claims 9-11 and 13 be withdrawn. Furthermore, claims 14-17 are either directly or indirectly dependent from claim 13. Therefore, it is hereby submitted that claims 14-17 are also in condition for allowance.

Claims 21-23

Claims 21-23 were added in order to further clarify the claimed invention. It is respectfully requested that claims 21-23 be added to the application and appropriately examined.

CONCLUSION

For the reasons detailed above, it is submitted all claims remaining in the application (Claims 3-23) are now in condition for allowance.

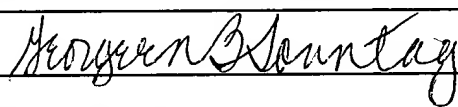
Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH & McKEE, LLP



August 7, 2006
Date

Eric W. Lee, Reg. No. 58,857
Joseph D. Dreher, Reg. No. 37,123
1100 Superior Avenue, 7th Floor
Cleveland, Ohio 44114-2579
(216) 861-5582

<u>CERTIFICATE OF MAILING OR TRANSMISSION</u>	
I hereby certify that this correspondence (and any item referred to herein as being attached or enclosed) is (are) being <input checked="" type="checkbox"/> deposited with the United States Postal Service Express Mail, addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below. <input type="checkbox"/> transmitted to the USPTO by facsimile in accordance with 37 CFR 1.18 on the date indicated below.	
Express Mail Certificate No. EV 830318995 US	Signature: 
Date: August 7, 2006	Name: Georgeen B. Sonntag